United Nations A/C.3/54/L.58

General Assembly

Distr.: Limited
11 November 1999

Original: English

Fifty-fourth session
Third Committee
Agenda item 116 (c)
Human rights situations and reports of special rapporteurs and representatives

Draft resolution submitted by the Chairman on the basis of informal consultations

The question of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto, of 1977,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[6] the Convention on the Rights of the Child[7] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War,[8] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[9]

---

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[4] Ibid., vol. 1125, Nos. 17512 and 17513.
[5] Resolution 260 A (III).
[6] Resolution 39/46, annex.
[7] Resolution 44/25, annex.
[8] United Nations, *Treaty Series*, vol. 75, No. 973.
[9] Resolution 34/180, annex.

99-34069 (E) 111199

Recalling also all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council and the resolutions and decisions of the Commission on Human Rights,

1. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[10] and of the conclusions and recommendations contained therein;

2. *Strongly condemns* the mass killings and systematic human rights violations against civilians and prisoners of war, including in the areas of Mazar-e-Sharif and Bamyan, and notes with alarm the resumption by the Taliban of the wider conflict last summer, especially in the Shamali Valley, resulting in massive, forced displacement of the civilian population, in particular of women and children;

3. *Condemns* the widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, the forced or compulsory recruitment of children for use in armed conflict and, in particular, the grave human rights violations against women and girls;

4. *Reiterates its condemnation* of the killing of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as of the attacks on and killing of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes with a view to bringing those responsible to justice;

5. *Notes with deep concern*:

(a) The persisting pattern of human rights violations in Afghanistan;

(b) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan and the complex nature of the conflict, including its ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, including on the ground of ethnicity;

(d) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran, Pakistan and other countries;

(e) The lack of major reconstruction in Afghanistan;

6. *Also notes with deep concern* the sharp deterioration of the humanitarian situation in several areas of Afghanistan, particularly in the Shamali and Panshir Valleys, and calls for the full implementation of the agreement on the security of United Nations personnel in Afghanistan;

7. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end immediately the supply of arms, ammunition, military equipment, training or any other military support, including providing any foreign military personnel, to all parties to the conflict;

[10] A/54/422.

8. *Urges* all the Afghan parties:

(a) To respect fully all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

(b) To cease hostilities immediately, to work and cooperate fully with the Special Envoy and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire and to implement the Tashkent Declaration of 19 July 1999, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and dignity and to the establishment of a broad-based, multi-ethnic, fully representative Government through the full exercise of the right to self-determination of the Afghan people;

(c) To reaffirm publicly their commitment to international human rights and principles and to recognize, protect and promote all human rights and fundamental freedoms;

(d) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to prohibit conscripting or enlisting children or using them to participate in hostilities in violation of international law and to ensure the disarmament, demobilization and social reintegration of children into society;

(e) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;

(f) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including detention of civilian foreign nationals, and urges their captors to release them as well as non-criminal civilian prisoners;

9. *Demands* that all the Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without discrimination on grounds of gender, nationality or religion with the United Nations and associated bodies as well as with other humanitarian organizations, agencies and non-governmental organizations;

10. *Urges* all the Afghan parties, in particular the Taliban, to bring to an end without delay all violations of human rights against women and girls and to take urgent measures to ensure:

(a) The repeal of all legislative and other measures that discriminate against women and girls as well as those which impede the realization of all their human rights;

(b) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(c) Respect for the right of women to work and their reintegration in employment;

(d) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for the right of women to security of person and that those responsible for physical attacks on women are brought to justice;

(f) Respect for women's freedom of movement and effective and equal access to facilities necessary to protect their right to the highest attainable standard of physical and mental health;

11. *Notes with appreciation* the visit of the Special Rapporteur on violence against women, its causes and consequences, and looks forward to her conclusion and recommendations;

12. *Also notes with appreciation* the activities carried out by the International Committee of the Red Cross on all the territory of Afghanistan;

13. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and cruel treatment in Afghanistan, and calls upon the United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations;

14. *Also invites* the Secretary-General and the United Nations High Commissioner for Human Rights to ensure that the ongoing process of deployment of the civilian affairs observers in Afghanistan is completed as soon as possible and that gender issues and child rights are fully incorporated into their mission;

15. *Appeals* to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to provide humanitarian assistance to all in need as soon as the situation on the ground permits and as part of an overall effort to achieve peace;

16. *Expresses its deep concern* at reports of attacks on and looting of cultural artifacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

17. *Urges* all the Afghan parties to extend their cooperation to the Commission on Human Rights and its Special Rapporteur on the situation of human rights in Afghanistan and to all those Special Rapporteurs who are seeking invitations;

18. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur;

19. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-fifth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.